

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

IVÁN VILLA,

Petitioner,

v.

CV 13-1226 RB/WPL

J. TIM MORGAN, Warden,
Torrance County Detention Facility,

Respondent.

**ORDER ADOPTING MAGISTRATE JUDGE’S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

This matter is before the Court on the Magistrate Judge’s Proposed Findings and Recommended Disposition (“PFRD”) (Doc. 12) and Iván Villa’s objections thereto (Doc. 13). The PFRD recommended dispositions as to Villa’s Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. (Doc. 1.) Respondent did not file a response.

In his objections, Villa reasserts that he is not the person sought by the Republic of Mexico under the relevant extradition request, that the picture of him provided by Mexico in its photo array was substituted after the array was used in identification proceedings, and that other evidence supports these positions. These objections raise the same arguments that Villa voiced in his petition and that the Magistrate Judge considered and rejected in the PFRD. Moreover, these objections do not address the Magistrate Judge’s legal conclusions, which accurately recognized that the Court may not grant a writ of habeas corpus under these circumstances if, *inter alia*, there was “any evidence of probable cause” presented during the original extradition proceeding. *See Peters v. Egnor*, 888 F.2d 713, 717 (10th Cir. 1989) (quotation omitted). Having fully

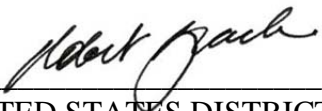
reviewed the pleadings and arguments de novo, the Court agrees with the Magistrate Judge's analysis. Villa's objections are therefore without merit and are overruled.

IT IS THEREFORE ORDERED that:

1) the Magistrate Judge's Proposed Findings and Recommended Disposition (Doc. 12) are adopted by the Court;

2) Ivan Villa's Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (Doc. 1) is DENIED; and

3) this cause is dismissed with prejudice.


UNITED STATES DISTRICT JUDGE